

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| CARLOS CHINCHA, | * | Case No. 17-CV-6127 (ILG) |
| | * | |
| Plaintiff, | * | Long Island Federal |
| | * | Courthouse |
| | * | 814 Federal Plaza |
| v. | * | Central Islip, NY 11222 |
| | * | |
| MANOJKUMAR PATEL, | * | May 26, 2020 |
| | * | |
| Defendant. | * | |
| | * | |
| * * * * * | | |

TRANSCRIPT OF CIVIL CAUSE FOR TELEPHONE CONFERENCE
BEFORE THE HONORABLE STEVEN TISCIONE
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

| | |
|---------------------|------------------------------------------------------------------------------------------------------------------|
| For the Plaintiff: | LOUIS MOSHE LEON, ESQ. Law Offices of William Cafaro 108 West 39th Street, Suite 602 New York, NY 10018 |
| For the Defendants: | JASON MIZRAHI, ESQ. Levin-Epstein & Associates, PC 420 Lexington Ave. Suite 2525 New York, NY 10170 |

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1 So why did Mr. Mizrahi obtain this and why did he
2 misuse it and why did he lie about it before, and why does he
3 continue lying about it now? I don't know.

4 MR. MIZRAHI: Your Honor, Mr. Leon -- Mr. -- I'm
5 just going to briefly respond.

6 Mr. Leon's position that he can't prove a negative
7 is an attempt to skirt around the fact that he can't point to
8 a single gap that's missing in the transcript. The transcript
9 is time stamped.

10 MR. LEON: Because you deleted it.

11 MR. MIZRAHI: The transcript is time stamped. You
12 can look through the exact -- the transcript. Everything that
13 was taken down, was taken down in note -- in noted times.

14 THE COURT: Look, I haven't seen the whole
15 transcript --

16 MR. MIZRAHI: Which means -- which means --

17 THE COURT: -- and I can't download it. However,
18 the parts that I've seen have --

19 MR. MIZRAHI: Which means -- which means that --
20 which means that any gaps in the transcript would have been
21 missing within those time stamped gaps. So Mr. Leon is
22 suggesting that there are entire paragraphs, or that entire
23 statements --

24 THE COURT: But the problem is not there's a gap in
25 the transcript in the sense that the court reporter has a gap.

1 The problem is, if you cut off somebody's mic, it's not being
2 translated and it's not being transcribed.

3 So there's not going to be a gap in the actual
4 timing of the recording, because -- unless you were muting the
5 court reporter, that's going to be the same.

6 The problem is if you're muting and unmuting other
7 people, then their statements are not being heard on the
8 record, and I -- you know, the limited part of the transcript
9 I've seen has numerous instances where somebody says, I can't
10 hear; I'm being muted.

11 MR. MIZRAHI: Your Honor, those --

12 THE COURT: So I have to --

13 MR. MIZRAHI: Your Honor, those --

14 THE COURT: -- (indiscernible) that a transcript is
15 complete, and I don't know what's missing. Maybe it's
16 nothing. Maybe it's important information. I just don't
17 know.

18 And there's no reason why we should have ever been
19 in this position because there is no reason why you should
20 have done what you did. There's just no reason for it.

21 And now you're putting me in a position of having to
22 try to piece together exactly what happened because you took
23 inappropriate action that now calls everything into question.

24 MR. MIZRAHI: Your Honor, nothing is in question.

25 THE COURT: I'm not going to --

1 MR. MIZRAHI: Thank you, Your Honor.

2 THE COURT: Have a good day.

3 (Proceedings concluded.)
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7 I, CHRISTINE FIORE, court-approved transcriber
8 and certified electronic reporter and transcriber, certify
9 that the foregoing is a correct transcript from the official
10 electronic sound recording of the proceedings in the above-
11 entitled matter.
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14 June 19, 2020

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16 Christine Fiore, CERT
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